

1

2

3

4

5

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 MICHAEL GIESBRECHT,
9 Plaintiff,
10 v.
11 MIKE HALEY,
12 Defendant.
13

3:14-cv-00356-MMD-WGC

ORDER

14 I. DISCUSSION

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has
16 submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to
17 proceed *in forma pauperis*. (ECF No. 1, 1-1).

18 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C.
19 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in*
20 *forma pauperis* and attach both an inmate account statement for the past six months and a
21 properly executed financial certificate. Plaintiff has not signed the declaration under penalty
22 of perjury on page 3 of the application but has submitted a financial certificate and an inmate
23 account statement. (See ECF No. 1 at 3). As such, the *in forma pauperis* application is
24 denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1),
25 but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be
26 granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*,
27 or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new
28 application to proceed *in forma pauperis* he must file a fully complete application to proceed

1 *in forma pauperis.*

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
4 *forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

5 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
6 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
7 entitled information and instructions for filing an *in forma pauperis* application.

8 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
9 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
10 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
11 (2) pay the full filing fee of \$400.

12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
13 dismissal of this action may result.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
15 No. 1-1), but shall not file it at this time.

16
17 DATED: This 9th day of July, 2014.

18 
19

20 United States Magistrate Judge
21
22
23
24
25
26
27
28